

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12053 of 2022**

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SANJAY ISHWARBHAI DESAI

Versus

STATE OF GUJARAT

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Appearance:

MS DIMPLE A THAKER(6838) for the Petitioner(s) No. 1,2,3,4

MS. POOJA ASHAR, ASST. GOVERNMENT PLEADER for the

Respondent(s) No. 1,2,3,4

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 09/08/2023****ORAL ORDER**

1. This petition is mentioned for urgent hearing on the ground that the cases of petitioners' are to be considered for promotion.

2. Learned advocate Ms. Dimple Thaker for the petitioners submitted that issue involved in this petition is waiving of certain days of experience. It is case of the petitioners that they are short by few days of experience, on account of delay in issuing appointments. The delay occasioned on account of procedure involved and there is no fault of the petitioners, for belated appointments. Therefore, once the LPA Bench decides the appeal and if any orders of promotion are to be issued, the petitioners may not be considered for not having required experience. Therefore, let the DPC be directed to consider their cases for promotion.

3. Learned Assistant Government Pleader Ms. Pooja Ashar for respondent - State submitted that in pending LPA No. 1146 of 2022 the seniority list is produced by the respondents, in which the petitioners are party where the names of the petitioners have

figured. The division bench in appeal proceedings has stayed the promotion and therefore, at this stage, no prejudice has caused to the petitioners.

4. Considering the submissions, it is noticed that the division bench of this Court has stayed promotion pending adjudication of appeal. No direction as prayed for can be issued when there is stay against promotion. However, learned advocate for the petitioners is permitted to mention for hearing of this matter, once learned Division Bench decides the Letters Patent Appeal.

5. Stand over to **19.08.2023**.

(MAUNA M. BHATT,J)

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